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September 23, 2020

**VIA ECF**

The Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2203  
New York, NY 10007

Re: Jennifer Eckhart and Cathy Areu v. Fox News Network, LLC, Ed Henry, Sean Hannity, Tucker Carlson, and Howard Kurtz, Civil Case No. 1:20-cv-05593 (RA)

Dear Judge Abrams,

This firm represents defendant Ed Henry. I submit this letter in response to Fox News Network, LLC ("Fox"), Tucker Carlson, Sean Hannity and Howard Kurtz's letter motion (Dkt. No. 45) requesting an extension of time to file an Answer, or otherwise respond, to Plaintiffs' Amended Complaint.

As I informed the Court previously, Mr. Henry is anxious to move the case along. Therefore, Mr. Henry is not independently seeking an extension of time to respond to the Amended Complaint. However, for purposes of efficiency and planning, Mr. Henry believes that all defendants' responses to the Amended Complaint should be due on the same day and, therefore, does not object to an October 19 deadline if the Court is inclined to grant Fox's request. However, Mr. Henry is concerned that the date for filing his motion to dismiss plaintiffs' claims could be extended further. For example, if the Court orders a severance during the October 5 conference and directs plaintiffs to file further amended complaints, that order would result in a due date for the response to the further amended complaint (by operation of Rule 15(a)(3)) of 14 days after the filing – and, therefore, potentially well after October 19.

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Although that issue is not before the Court at this time, Mr. Henry wanted to call attention to his concern and inform the Court of his intention to object to any schedule that provides for filing the motions to dismiss later than October 19.

Respectfully submitted,

By: /s/ Catherine M. Foti  
Catherine M. Foti, Esq.  
*Attorneys for Ed Henry*

Cc: All counsel of record (via ECF)